

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

TATUNG COMPANY, ET AL

PLAINTIFF

V.

NO. 5:07-MC-0005-RTD

L.G. PHILLIPS LCD, CO., LTD.

DEFENDANT

O R D E R

Before the court is the Motion for Protective Order (Doc. 1) filed March 9, 2007 by the Petitioner, TATUNG COMPANY and TATUNG COMPANY OF AMERICA seeking to limit third party discovery from Wal-Mart Stores, Inc. and Sam's Club. The matter was referred to the undersigned by Order (Doc. 3) entered March 12, 2007.

The Court did schedule a telephone conference on March 19, 2007 and the Petitioner, TATUNG Company and TATUNG Company of America did appear by its attorneys Marshall Ney and Frank Meredith and the Defendant, L.G. PHILLIPS LCD, CO., LTD. did appear by its attorneys Stephen Schrantz and Shari Klevens.

This discovery dispute arises from an action pending in the United States District Court in Delaware case number 04-343 and, at the current time, concerns 23 accused products. The parties agree that discovery should be controlled by the District Court in Delaware. The parties further agree that on March 16, 2007 the Special Master in Delaware did indicate that the discovery, at this time, should be limited to the 23 accused products at issue in L.G. Phillips LCD Co., Ltd. v. TATUNG Company, C.A. No. 04-343-JJF.

The Court having considered the papers submitted and the arguments presented, and for good cause shown finds:

The third parties, Wal-Mart Stores, Inc. and Sam's Club, are instructed that the discovery sought by L.G. PHILLIPS LCD, CO., LTD. is hereby limited to the information concerning the 23 accused products at issue in L.G. Phillips LCD Co., Ltd v. TATUNG Company, C.A. No. 04-343-JJF or such other relevant information that does not disclose specific data or information concerning any un-accused products.

Any documents produced in response to the subpoena by third party Wal-Mart Stores, Inc. or Sam's Club shall be stamped CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER and shall be produced subject to the Stipulated Protective Order dated January 24, 2005 entered in the Delaware Action.

The Court may reconsider or modify this Order upon a showing by either party that the order is no longer consistent with the discovery orders entered by the United States District Court in Delaware.

IT IS SO ORDERED this 19th day of March, 2007.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI
UNITED STATES DISTRICT JUDGE